

## Work Capability Assessments

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### What are Work Capability Assessments?

A Work Capability Assessment is a functional assessment of what a claimant can and cannot do. Refer to Centre for Health and Disability Assessments (CHDA) for more information.

The Work Capability Assessment report provides advice on whether the claimant has limited capability for work, limited capability for work and work related activity or does not have limited capability for work - is fit for work.

### When are claimants referred for a Work Capability Assessment

In most cases, claimants are referred to the Centre for Health and Disability Assessments at day 29 of their health condition related claim.

An immediate Work Capability Assessment referral must be made when a claimant provides sufficient information to confirm they have certain specified conditions or are undergoing certain specified treatments so they can be treated as having:

- limited capability for work and work related activity
- limited capability for work

This is known as a Day 1 referral.

Where a valid DS1500 is provided confirming the claimant has a terminal illness, the claimant can be determined as having limited capability for work without referring to Centre for Health and Disability Assessments. Where we are unsure, a day 1 Work Capability Assessment referral is made. For all cases of terminal illness refer to terminal illness.

### Review Work Capability Assessment

Centre for Health and Disability Assessments recommend a Work Capability Assessment review period as part of its advice on the claimant's capability for work. The review period will be between 3 and 36 months depending on the nature of the claimant's health condition. The service automatically generates a notification to refer for a Work Capability Assessment when the review period has expired.

### Claimant consent

DWP and Centre for Health and Disability Assessments may require additional medical evidence to support the Work Capability Assessment process. The claimant must give their consent so that we can gather this.

The claimant is asked if they give consent when they report a health condition and on the UC50. The consent given by the claimant allows their doctor or medical practitioner to share information with

DWP. This allows Centre for Health and Disability Assessments to gather further medical evidence from other sources such as the claimant's doctor if needed.

The claimant is given the choice to give or not give their consent. Where the claimant does not give consent, the Work Capability Assessment action continues. It means a Work Capability Assessment decision can only be based on the information provided. We must then refer to Centre for Health and Disability Assessments clerically. Centre for Health and Disability Assessments assume claimants have given consent unless they receive the clerical referral.

The claimant can change their mind at any time, to give, or not give consent. If the claimant withdraws their consent, this only relates to the release of information from the doctor or other medical practitioners dealing with the claimant's health condition. It doesn't affect the way in which DWP uses the information already held.

The exception is the DS1500 which can be supplied to DWP without the claimant's knowledge. Refer to Terminal Illness for more information.

Refer to the Capability for work questionnaire for more information.

### **Employment and Support Allowance migration to Universal Credit**

When a claimant moves from Employment and Support Allowance (ESA) to Universal Credit due to a change of circumstances and has had a Work Capability Assessment (WCA) decision made on their ESA claim, this decision will be used on the Universal Credit claim.

Details of the ESA Work Capability Assessment decision will be captured on the UCFS MGP1 form.

If the claimant fails to declare they have a health condition on the claim to Universal Credit when they migrate, confirmation must be obtained that they still have a health condition. If so, the claimant must amend the information they have submitted.

Where an ESA claimant has already been determined as having limited capability for work (LCW) or limited capability for work and work related activity (LCWRA) staff decide if this can apply from the start of the Universal Credit claim.

If the decision does apply from the start of Universal Credit claim, they will not be referred for another WCA unless a review WCA is due or their health condition changes.

Where an ESA claimant has already been determined as having LCW or LCWRA, they will also be given a review period of between 3 and 36 months. Once the MGP1 form has been processed an automated notification will advise staff when to refer for a WCA.

If the ESA review WCA date has passed, Universal Credit will apply a 3 month re-referral date from the date of the Universal Credit claim.

Where there is good reason to believe the claimant no longer has the condition that resulted in the decision they had LCW or LCWRA in ESA, they can be referred to Centre for Health and Disability Assessments for a WCA. The claimant will retain the decision they have LCW or LCWRA until a review WCA has taken place and a further decision is made.

Where the claimant migrates to Universal Credit before completing their WCA, the claimant will need to supply medical evidence until the WCA outcome in Universal Credit.

## **Severe conditions**

Where the claimant who migrates to Universal Credit meets the severe conditions criteria in Employment and Support Allowance, the severe conditions status continues to apply in Universal Credit. Refer to Severe Conditions guidance.

## **Referring claimants affected by terrorist attacks to Work Capability Assessments**

We must ensure that Universal Credit claimants who are unfit for work and affected by recent terrorist attacks are treated appropriately throughout their customer journey.

There is no central list of those affected, we rely on claimants identifying themselves.

When a claimant is identified as being affected by a terrorist attack prior to the Work Capability Assessment referral:

- Medical Services Referral System referral is completed as normal
- this is highlighted to the Health & Disability Advisory Service Performance contact in the claimants region

It is vital we treat these claimants sensitively, paying particular regard to the Complex needs guidance.

## **Withdrawal from the Work Capability Assessment process**

There are seven situations when a claimant must be withdrawn from the Work Capability Assessment process. These only occur prior to the Work Capability Assessment determination.

The seven situations a claimant must be withdrawn from the work capability assessment process are when the claimant's:

- no longer unfit for work and declares this
- fit note ceases and the claimant does not provide a further fit note
- initial reason of condition has ended and claimant has declared a different condition
- moved to Northern Ireland
- no longer in receipt of Universal Credit
- terminally ill and a DS1500 has been received and actioned
- died

If the claimant is withdrawn from the Work Capability Assessment process, we notify the Centre for Health and Disability Assessments, unless the Work Capability Assessment has already been completed.

## **Claimant fails to attend or participate**

Where the claimant fails to attend or participate in the Work Capability Assessment, the Centre for Health and Disability Assessments returns the referral updating Medical Services Referral System to inform DWP. Both cases are treated as failure to attend and a decision is made as to whether the claimant has good reason for their actions.

## **Work Capability assessment outcomes**

Refer to Work Capability Assessment outcomes for all information on this subject.